

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

*

UNITED STATES OF AMERICA

*

v.

No. 07-4060

* No. 07-4059 (L)

PAULETTE MARTIN, et al.

*

* * * * *

**MOTION FOR LEAVE TO WITHDRAW, SUBSTITUTE AND REFILE
PORTIONS OF THE JOINT APPENDIX**

Come now Appellant herein, Paulette Martin, by and through her counsel, Michael D. Montemarano, Esq., and Michael D. Montemarano, P.A., as appointed counsel pursuant to the CJA, and on behalf of the other Appellants herein, and with the consent of Daniel Goodman, Esq., USDOJ/Criminal Appeals Section, counsel for Appellee, and does move for leave to withdraw, substitute and refile portions of the Joint Appendix, and in support thereof does state:

1. The Joint Appendix was filed on February 25, 2011.
2. Due to the size of the Joint Appendix, the copying required for submission to the printer, and revisions required by the modification by the Court of the parameters for submitting sealed volumes in a multiple-appellant criminal appeal, certain errors crept into the Joint Appendix, requiring the addition to two of the sealed volumes of a handful of missing pages, so as to complete the portions of the record contained therein. The only alternative would be to file two additional sealed volumes, jointly totaling but 6 pages.
3. The parties therefore request leave to withdraw, substitute and refile the volumes of the Joint Appendix regarding Appellant Bynum (vol. X) and Appellant Martin (vol. XII).

4. Counsel for Appellant is authorized to state that counsel for Appellee consents to the grant of the requested relief.

Respectfully submitted,

March 7, 2011

/s/
MICHAEL D. MONTEMARANO

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For Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or before this 7th day of March, 2011, a copy of the foregoing *Motion For Leave to Withdraw, Substitute and Refile Portions of the Joint Appendix* was filed via CM-ECF, and served via direct email, on Daniel Goodman, Esq., US Department of Justice, Criminal Appellate Section, 1264 Main Building, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

/s/
MICHAEL D. MONTEMARANO